

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SOMRET PHOUNG, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

WINCO HOLDINGS, INC., an Idaho
corporation,

Defendant.

No. 2:21-cv-02033-MCE-JDP

ORDER

Through this action, Plaintiff Somret Phoung ("Plaintiff") seeks relief from Defendant WinCo Holdings, Inc. ("Defendant") for wage and hour violations of the California Labor Code and California's Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200 et seq. Presently before the Court is Defendant's Motion to Stay this action pending resolution of the related cases Castanon v. WinCo Holdings, Inc., Case No. 2:20-cv-01656-MCE-JDP, and Putman v. WinCo Holdings, Inc., Case No. 2:21-cv-01760-MCE-JDP. ECF No. 26. To date, Plaintiff has not filed an opposition or response thereto. See ECF No. 28. For the following reasons, Defendant's Motion is GRANTED.¹

¹ Because oral argument would not have been of material assistance, the Court ordered this matter submitted on the briefs. E.D. Local Rule 230(g).

1 “[T]he power to stay proceedings is incidental to the power inherent in every court
2 to control the disposition of the causes on its docket with economy of time and effort for
3 itself, for counsel, and for litigants.” Landis v. N. Am. Co., 299 U.S. 248, 254 (1936).
4 “The exertion of this power calls for the exercise of a sound discretion.” CMAX, Inc. v.
5 Hall, 300 F.2d 265, 268 (9th Cir. 1962). More specifically, the Ninth Circuit has
6 elaborated:

7 Where it is proposed that a pending proceeding be stayed, the
8 competing interests which will be affected by the granting or
9 refusal to grant a stay must be weighed. Among these
10 competing interests are the possible damage which may result
11 from the granting of a stay, the hardship or inequity which a
party may suffer in being required to go forward, and the
orderly course of justice measured in terms of the simplifying
or complicating of issues, proof, and questions of law which
could be expected to result from a stay.

12 Id. All of the foregoing weigh in favor of granting a stay. The Phoung action is almost
13 entirely duplicative of the Castanon and Putman cases, and it would waste judicial
14 resources for them to proceed on parallel tracks. Staying this case would thus preserve
15 resources of all parties, while preserving Plaintiff’s interests here, which are being
16 considered with reference to the Castanon and Putman claims. A stay thus results in no
17 harm to Plaintiff here or to the putative class in this case, the claims of which will be
18 prosecuted in Castanon and Putman. Accordingly, given the substantial overlap of
19 these cases, the Court can conceive of no reason not to stay the instant matter.
20 Defendant’s Motion (ECF No. 26) is thus GRANTED.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

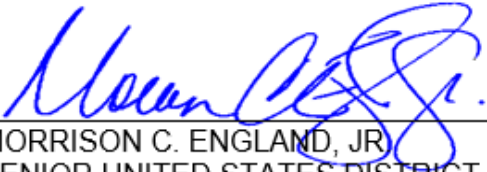
27 ///

28 ///

1 This matter is hereby STAYED until further order of the Court. Not later than thirty
2 (30) days following the date judgment is entered in Putman v. WinCo Holdings, Inc.,
3 Case No. 2:21-cv-01760-MCE-JDP, the parties shall file a written Joint Status Report
4 advising the Court as to the next course of action in this case.²

5 IT IS SO ORDERED.

6
7 Dated: October 28, 2022

8 
9 MORRISON C. ENGLAND, JR.
10 SENIOR UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26
27 ² The Court similarly granted Defendant's Motion to Stay the Putman action pending resolution of
28 the Castanon action for the same reasons stated herein. See ECF No. 31, Case No. 2:21-cv-01760-MCE-
JDP. Because Castanon will be adjudicated first, then Putman, the Court finds it appropriate to have the
parties file a joint status report in this case following resolution of Putman.